

SPECIAL CIVIL APPLICATION NO. 5521 of 1996

CORAM ; N N MATHUR, J.

(July 26, 1996)

ORAL ORDER

Heard Mr P M Raval, learned Sr.Advocate with Mr P S Champaneri, learned Advocate for the petitioners and Mr Shirish Joshi with Mr Milan Joshi, learned Advocates for respondents No.1 and 2 and Mr A K Clerk, learned Advocate for respondents No.2 to 5.

2. The petitioner filed a Lavad Case No.339 before the Board of Nominee seeking interim injunction against the respondent No.1 from holding elections of Chairman, Vice Chairman and the Managing Director which was scheduled to be held on 12.7.1996. However, no order was passed on the application for interim injunction as the application itself was defective. The petitioner took the matter in revision before the Tribunal. The Tribunal heard the entire matter on merit and rejected the prayer for interim relief vide its order dated 24th July, 1996. This Special Civil Application has been filed against the said order of the Tribunal rejecting the interim relief. In fact, the Board of Nominee has not passed any order on interim relief and as such the Revision Application before the Tribunal itself was incompetent. In view of the order dated 24.7.1996 of the Tribunal deciding the matter on merit itself is bad in law and the same deserves to be quashed and set aside. As the order of the Tribunal in Revision has been set aside, this Special Civil Application does not survive.

3. In view of the aforesaid, this Special Civil Application is rejected. The order dated 24.7.1996 of the Tribunal is quashed and set aside. No order as to costs. It will be open for the petitioner to pursue his remedy before the Board of Nominee.

Date: 30.7.1996 (N N MATHUR, J.)